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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. Oscar Gabriel PERAZA, Defendant	Magistrate Docket No. '08 MJ 0355 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 05, 2008** within the Southern District of California, defendant, **Oscar Gabriel PERAZA,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **7th** DAY OF **FEBRUARY 2008.**

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Oscar Gabriel PERAZA

PROBABLE CAUSE STATEMENT

On February 5, 2008, Supervisory Border Patrol Agent M. Anzelmo was performing Border Patrol duties in Boulevard, California. At approximately 3:00 p.m., Agent Anzelmo was informed by Agent J. Prishker that a vehicle, a gold colored Dodge Intrepid, was headed west on Old Highway 80 toward Boulevard. Agent Prishker advised Agent Anzelmo that he and his partner, Agent J. Hinojosa , were responding to an intrusion device south of Old Highway 80 near mile marker 33. Agent Prishker also informed Agent Anzelmo that his partner was located on top of a mountain in an attempt to locate any potential foot traffic in the area. Agent Hinojosa noticed the vehicle in the area driving slowly along Old Highway 80 near mile marker 33. He also noticed the vehicle earlier in the shift driving slowly along Old Highway 80 in the same area. Mile marker 33 on Old Highway 80 is a commonly used location for smugglers to pick up groups of illegal aliens to further their entrance into the United States.

Agent Anzelmo positioned himself on Old Highway 80 near Ribbonwood drive and waited. This area is located approximately 25 miles east of the Tecate, California Port of Entry and approximately one mile north of the United States/Mexico International border. Agent Anzelmo then observed a gold colored Dodge Intrepid fitting the description of the one called out by Agent Hinojosa earlier traveling west on Old Highway 80 approaching Ribbonwood. Agent Anzelmo looked and noticed the driver and several passengers in the back seat. Agent Anzelmo got behind the vehicle and activated his emergency lights and sirens in order to pull the vehicle over. The vehicle continued slowly north on Ribbonwood for approximately 100 yards and then suddenly drove across both lanes and came to a stop in the opposite lanes. Agent Anzelmo saw two individuals, including the driver, jump out of the car and run westbound into some nearby brush.

Seconds later, Border Patrol Agents A. Djokich and P. Carr arrived on scene. Agents Anzelmo and Carr ran after the two individuals that tried to flee and quickly apprehended them. Agent Djokich secured the vehicle and the additional seven individuals located in it. The two runners were walked over to the rest of the group and sat them down together. Agent Anzelmo then identified himself as a United States Border Patrol Agent to all nine people, including one later identified as the defendant **Oscar Gabriel PERAZA**. Agent Anzelmo asked each individual what country they were citizens or nationals of, and they individually, to include the defendant, replied "Mexico." Agent Anzelmo then asked them each, including the defendant, if they had any immigration documents to be present in the United States legally, either now or ever before, and they each replied "No." Agent Anzelmo placed all nine under arrest and had them transported to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 30, 2007** through **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.